# IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 589 OF 2003

MR. MIGUEL CAETANO FRANCISCO AFONSO AND ANR., ....Petitioners

Versus

MRS. ANA A.FERNANDES ALIAS ANNIE COELHO AND 12 ORS ....Respondents

SHRI V. BRAGANZA,

Coram:- A.M.KHANWILKAR, J.

Date:- 4th December, 2003

P.C.:

Heard both sides. Having regard to the opinion recorded by the Appellate Court at the interlocutory stage, in particular paragraph 14, that the entire building has been constructed on the disputed property and the respondents have already entered into agreement with different persons, coupled with the fact that the petitioners allowed the respondents to enjoy the entire property from the year 1946 and thereafter allowed them to demolish the entire house and construct a multi-storied commercial complex in the disputed property, will be sufficient to refuse interim relief to the petitioners

2. In the circumstances, I see no reason to exercise writ jurisdiction, having regard to the fact situation of

the present case. It is, however, made clear that any observation made by the courts below shall not influence the trial court while finally deciding the suit between the parties. Shri Usgaonkar, learned Senior Advocate, appearing for the respondents, submits on instructions, that the respondents have no objection if the transactions already entered into and the future transactions, if any, are made subject to the outcome of this suit. That assurance is accepted.

At this stage, Shri Coelho Pereira prays that the hearing of the suit be expedited. It will be open to the petitioners to make that request to the trial Court and if such application is filed, the trial Court may expedite the hearing of the suit and preferably finally dispose of the suit by the end of December, 2004.

A.M.KHANWILKAR, J.